

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Thus, claim 1 has been amended to incorporate the subject matter of claim 6, and accordingly, claim 6 has been cancelled. Amended claim 1 also replaces "comprising" with "consisting essentially of" to clarify the invention.

Claim 2 has been amended to delete the term "substantially", thus rendering moot the rejection of this claim under the second paragraph of 35 U.S.C. §112.

Claim 7 has been amended to incorporate the subject matter of claim 8, as a result of which claim 8 has been cancelled.

Claim 9 has also been amended to incorporate the subject matter of claim 8.

New claim 10 has been added to the application, and is supported by the disclosure at page 13, lines 16-17 of the specification.

The patentability of the presently claimed invention over the disclosures of the references relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Initially, it is apparent that the rejection of claims 1-3 and 7 under 35 U.S.C. §102(b) as being anticipated by Wlodarczyk et al. (PL '077) has been rendered moot in view of the claim amendments. That is, as indicated above, the subject matter of claim 6, which is not subject to this rejection, has been incorporated into claim 1.

The rejection of claims 1-9 under 35 U.S.C. §103(a) as being unpatentable over Ishigaki et al. (US '787; R2) in view of Kato et al. (US '394; R3) is respectfully traversed.

The present invention, as represented by amended claim 1, is directed to a bread improving agent consisting essentially of fermented soybean protein which is fermented by lactic acid bacteria and yeast and then sterilized.

The quality improver for producing bread of R2 contains, as essential components, a component selected from malt, rice fermentation product, and wheat fermentation product, and

biotin. Thus, this product is totally different from the bread improving agent of the present invention, consisting essentially of fermented soybean protein.

Although R2 discloses the incorporation of a fermented soybean product, it is not an essential component. Further, although the Examiner refers to the amount of the improver, such an amount does not teach or suggest the claimed amount of the bread improving agent of the present invention which consists essentially of fermented soybean protein.

R3 is irrelevant to the present invention because it relates to a beverage, and does not teach or suggest the bread improving agent of the present invention. Applicants take the position that for this reason, one of ordinary skill in the art would not combine the R3 reference with the R2 reference which is directed to a quality improver for use in producing bread.

Attention is also directed to new claim 10, which recites that the lactic acid bacteria is derived from panetone sour leaven. This embodiment of the present invention is neither disclosed nor suggested by the references.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

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